

## COUNTY OF FAIRFAX, VIRGINIA

### SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

MARTIA CLARK, EARLY LEARNING DAYCARE L.L.C., SP 2014-LE-062 Appl. under Sect(s). 8-305 of the Zoning Ordinance to permit a home child care facility. Located at 3303 Collard St., Alexandria, 22306, on approx. 10,800 sq. ft. of land zoned R-2. Lee District. Tax Map 92-2 ((19)) 43. (Deferred from 9/24/14 at appl. req.) Mr. Hammack moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on October 29, 2014; and

WHEREAS, the Board has made the following findings of fact:

1. There is a favorable staff recommendation, and the Board adopts their recommendations in general.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. This approval is granted to the applicant, Martia Clark, Early Learning Daycare LLC, only and is not transferable without further action of the Board, and is for the location indicated on the application, 3303 Collard Street, and is not transferable to other land.
2. This special permit is granted only for the home child care facility use indicated on the untitled special permit plat prepared by Martia Clark, dated May 6, 2014, and approved with this application, as qualified by these development conditions.
3. A copy of this special permit **SHALL BE POSTED in a conspicuous place on the property of the use** and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The maximum hours of operation of the home child care facility shall be limited to 6:30 a.m. to 6:30 p.m., Monday through Friday.

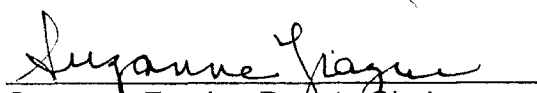
5. The maximum number of children on site at any one time shall be 12, excluding the applicant's own children.
6. The dwelling that contains the child care facility shall be the primary residence of the applicant.
7. There shall be no signage associated with the home child care facility.
8. All drop-off and pick-up of child care facility children shall be conducted in the driveway.
9. The maximum number of assistants for the home child care shall be two.
10. Within 12 months from the date of this hearing, the shed shall be moved or otherwise brought into compliance with the Fairfax County Zoning Ordinance, or a separate special permit shall be applied for and diligently pursued.
11. Rooms within the dwelling without a point of egress, which do not meet emergency escape and rescue opening requirements of the 2009 Virginia Residential Building Code, including, but not limited to, the room designated as a crib area on the diagram included with the application, shall be not be utilized as sleeping areas.
12. The shed shall be locked during the hours of operation of the day care center.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, ninety (90) days after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested, and an explanation of why additional time is required.

Mr. Smith seconded the motion, which carried by a vote of 7-0.

A Copy Teste:

  
Suzanne Frazier, Deputy Clerk  
Board of Zoning Appeals